

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SPX CORPORATION dba
STOCK EQUIPMENT COMPANY

Plaintiff,

-vs-

JOHN DOE,

Defendant.

) Case No. 1:02 CV 919

) Judge John M. Manos

) Magistrate Judge William H. Baughman

) **PLAINTIFF'S BRIEF IN**
) **OPPOSITION TO REQUEST FOR**
) **EXTENSION**
)

Defendant filed a Request for Extension asking this Court for leave until July 31, 2002 to file a Motion to Dismiss. The basis for the requested extension is that one of Defendant's attorneys is on vacation until July 17.

Although Plaintiff SPX Corporation is not unsympathetic to travel plans of opposing counsel, it should be noted that Defendant is not represented by a single individual, but is instead represented by both a law firm in California¹ and a law firm in Ohio. Moreover, Defendant's California counsel threatened to file a Motion to Dismiss shortly after the case was filed, and Defendant's Ohio counsel argued in their May 21 Memorandum that Plaintiff's Complaint is subject to a Motion To Dismiss. (Memorandum at 12-14.)

¹ Defendant's California counsel has performed work in this matter at least as recently as June 25, 2002, as evidenced by a June 25 letter from Defendant's California counsel to Yahoo! updating Yahoo! on the status of this case.

It is difficult to imagine that in Mr. Webster's absence, Defendant's two law firms need an additional twenty days to complete a Motion that has been contemplated for months, and which was partially briefed by Defendant's attorneys on May 21. For these reasons, Plaintiff respectfully requests that this Court deny Defendant's Request for Extension, or in the alternative limit the time requested.

Respectfully submitted,

/s/ Terry M. Brennan

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2002, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Terry M. Brennan

Terry M. Brennan